

Issuance Date: October 1, 2004
Effective Date: July 1, 2005
Expiration Date: June 30, 2010

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7775

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Domsea Broodstock, Inc. - Black River
10420 173rd Avenue Southwest
Rochester, WA 98579-9544

Facility Location:
10420 173rd Avenue Southwest
Rochester, WA 98579-9644

Receiving Water:
001 and 002 Black River

Water Body I.D. No.:
WA-23-1015

Discharge Location:
Pt. 001 Latitude: 46° 50' 25" N
Longitude: 123° 06' 15" W
Pt. 002 Latitude: 46° 50' 08"
Longitude: 123° 06' 01"

Industry Type:
Upland Fin Fish Rearing and Egg Production

is authorized to discharge in accordance with
the special and general conditions which follow.

Kelly Susewind, P.E., P.G.
Southwest Region Manager
Water Quality Program

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GENERAL CONDITIONS

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DEFINITIONS

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Composite Sample shall mean a flow-proportioned mixture of not less than six discrete aliquots. Each aliquot shall be a grab sample of not less than 100 ml and shall be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

Department means Department of Ecology.

Director means the Director of the Department of Ecology or his/her authorized representative.

40 CFR means Title 40 of the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

GPD = gallons per day.

Grab sample means an individual discrete water sample.

Instantaneous Maximum means the maximum allowable concentration of a pollutant determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.

Lined Pond means asphalt, concrete, plastic membrane or similarly lined ponds. Ponds lined with gravel or soil are considered unlined.

Load Allocation (LA) means the portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution or to natural background sources. Local allocations are best estimates of the loading, which may range from reasonably accurate estimates to gross allotments, depending on the availability of data and appropriate techniques for preceding the loading. Wherever possible, natural and nonpoint source loads should be distinguished.

Maximum Daily shall be the highest allowable sample value from a daily discharge taken during a calendar month.

MGD = million gallons per day.

mg/L = milligrams per liter ("Net mg/L" = mg/L in hatchery effluent minus mg/L in hatchery influent).

ml/L = milliliters per liter ("Net ml/L" = ml/L in hatchery effluent minus ml/L in hatchery influent).

Monthly Average shall be calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

New Facility means a facility that begins activities which will result in a discharge or potential discharge to waters of the state on or after the effective date of the general permit.

Offline Settling Basin shall mean those pond cleaning waste treatment systems which have a hydraulic detention time of 24 hours and meet the design criteria as defined in Section 173-221A-100(4) WAC.

Production means net gain in weight of fish at the facility.

Rearing Ponds or Raceways means ponds, raceways, circular ponds, or any other method used to keep fin-fish captive for culture purposes at an upland fin-fish rearing facility.

Rearing Vessel means all rearing ponds, raceways, and fish hauling tanks.

Representative Sample means multiple outfalls with similar waste streams can be sampled and combined into one sample for one analysis. The sample volume from each outfall shall be apportioned according to the volume of flow at the time of sampling. These apportioned samples can then be combined into one representative sample for analysis.

Settleable Solids means those solids in surface waters or wastewaters which are measured volumetrically in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays or losses in production.

Surface Waters include lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the jurisdiction of the state of Washington. For the purposes of this permit surface waters do not include hatchery ponds, raceways, pollution abatement ponds, and wetlands constructed solely for wastewater treatment.

Total Maximum Daily Load (TMDL) means the sum of the individual Waste Load Allocations (WLAs) for point sources and LAs for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based, permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Note - An upset constitutes an affirmative defense to an action brought for non-compliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met:

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facilities were being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required; and 4) the Permittee complied with any remedial measures required under this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

Waste Load Allocations (WLA) means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute a type of water quality-based effluent limitation.

Waters of the State include those waters defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of Washington State and "waters of the state" as defined in Chapter RCW 90.48 RCW which include lakes, rivers, ponds, streams, waters, underground waters, salt waters, and all other surface water and water courses including wetlands within the jurisdiction of the state of Washington.

Water Quality Standards means the water quality standards for ground waters of the state of Washington (Chapter 173-200 WAC), the water quality standards for surface waters of the state of Washington (Chapter 173-201A WAC), and the sediment management standards of the state of Washington (Chapter 173-204 WAC).

SUMMARY OF PERMIT REQUIRED DOCUMENTS

Permit Section	Requirement	Submission Frequency	Submitted to the Department	Submittal Date
S3.C	Operational Log	On Going	No	Not submitted. Records to be made available to the Department upon request.
S3.E.1	Monthly Discharge Monitoring Report	Report Monthly	Yes	First report due August 15, 2005.
S3.E.2	Annual Disease Control Chemical Use Report	Report Annually	Yes	First report due January 30, 2006. Records to be made available to the Department on a more frequent basis upon request.
S5.	Pollution Prevention Plan	1/permit cycle. Update as necessary	No	January 1, 2006. Keep a copy at the facility, to be available to the Department upon request.
G17.	Application for permit renewal	1/permit cycle	Yes	January 1, 2010.

SPECIAL CONDITIONS

S1. EFFLUENT MONITORING SCHEDULE AND LIMITATIONS

A. Flow-Through Rearing Ponds

Parameter	Sample Point	Minimum Daily	Monthly Average ^a	Maximum Daily ^b	Sampling Frequency	Type of Samples
Flow, MGD	Outfall 001 Outfall 002 Total Parameter	n/a	n/a	Report	01/30	Recorded
BOD ₅ , mg/L	Outfall 001 Outfall 002 Total Parameter	n/a	n/a	Report	1/month ^c	Grab ^a
BOD ₅ , lbs/day	Outfall 001 Outfall 002 Total Parameter	n/a	n/a	210	1/month ^c	Grab ^a
Ammonia, mg/L	Outfall 001 Outfall 002 Total Parameter	n/a	n/a	Report	1/month ^c	Grab ^a
Ammonia, lbs/day	Outfall 001 Outfall 002 Total Parameter	n/a	n/a	84	1/month ^c	Grab ^a
Total Phosphorus, mg/L	Outfall 001 Outfall 002 Total Parameter	n/a	n/a	Report	1/month ^c	Grab ^a
Total Phosphorus, lbs/day	Outfall 001 Outfall 002 Total Parameter	n/a	n/a	16	1/month ^c	Grab ^a
pH, standard units	Outfall 001 Outfall 002 Total Parameter	Report	n/a	Report	1/month	Grab ^a
Hardness, mg/L	Outfall 001 Outfall 002 Total Parameter	n/a	Report	Report	1/month	Grab ^a
Net Settleable solids, ml/L	Influent	n/a	Report	Report	2/30	Grab ^b
Net Settleable solids, ml/L	Outfall 001 Outfall 002 Individual Parameter	n/a	0.1	n/a	2/30	Grab ^a
Total Suspended Solids, mg/L	Outfall 001 Outfall 002 Individual Parameter	n/a	5.0	15.0	2/30	Grab ^a
Chlorine, Residual, µg/L	Outfall 002	n/a	19	19	2/30	Grab ^a

^aAll effluent grab samples shall be representative samples of all outfalls which discharge rearing pond or raceway water to waters of the state.

^bFor reporting net settleable solids, influent and effluent grab samples are to be taken on the same day. Effluent sample shall be taken during rearing pond or raceway cleaning, or if the frequency of rearing pond or raceway cleaning is less than twice per week, settleable solids

sample may be collected immediately following fish feeding. The influent sample shall be considered to be zero if the sample was not collected and/or analyzed.

• Samples shall only be taken May 1 through September 30 each year

B. Rearing Vessel Disinfection Water

Water chlorinated for rearing vessel disinfection shall be neutralized and tested before it may be discharged to surface waters of the state. Acceptable chlorine tests are:

1. Amperometric Titration, Method 408C; Standard Methods for the Examination of Water and Wastewater. When using this method, no chlorine residual shall be detected; or
2. For facilities which employ chlorine treatment of all or a portion of the effluent as in the quarantine of eggs or fry and if a neutralization retention pond is not available, flow-through neutralization may be permitted if calculations show that the state Water Quality Standards for chlorine would not be violated (WAC 173-201A-040).

S2. MONITORING AND REPORTING REQUIREMENTS

A. Representative Sampling

Effluent samples taken in compliance with the monitoring and testing requirements established in this permit shall be collected from the effluent stream prior to discharge into the receiving waters. Influent samples shall be taken at the point where the water enters the facility or settling pond. Samples and measurements shall be representative of the volume and nature of the monitored influent or effluent. Sampling shall include any unusual discharge or discharge condition affecting effluent quality.

B. Test Procedures

All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136, unless otherwise specified in this permit or approved in writing by the Department.

C. Operational Log

1. The Permittee shall keep records on all disease control chemicals used at the facility. All variances from the disease control chemical use procedures contained in the facility pollution prevention plan shall be noted. These records shall include:
 - a. Person responsible for the administration of the disease control chemical if different from the individual identified in the facility pollution prevention plan.

- b. The date of application of the disease control chemical used. For disease chemicals which are used on a routine basis the frequency of application may be recorded in place of each individual application date.
 - c. The trade name of the disease control chemical used.
 - d. The pond or raceway treatment concentration of the active ingredient, duration of treatment, and amount in gallons or pounds of the chemical.
 - e. The estimated concentration of the active ingredient in the hatchery or rearing facility effluent at the point of discharge to the receiving waters.
 - f. The reason for use and method of application.
2. The Permittee shall keep records on the average loading in pounds of fish and the total amount of food fed in pounds for each calendar month at the facility. The Permittee shall provide a copy of loading and feeding records to the Department upon request.
 3. The information contained in the operational log will be used to complete the disease control chemical use reporting requirements as noted in Section S3.E.2 below.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

E. Reporting Requirements

1. Results obtained from the testing required in Section S1. of this permit shall be summarized on a monthly discharge monitoring report (DMR) form supplied by the Department. Reports shall be submitted monthly and are to be postmarked or received by the 15th day of the month following the reporting period.
2. The Permittee shall also report the use of any disease control chemicals on a form supplied by the Department. The Disease Control Chemical Use Report shall be submitted annually unless the Department requests this information on a more frequent basis.

Each annual report submitted shall cover the amounts of chemicals used during the previous calendar year. Each annual report shall be post marked or received by the 30th day after the reporting period (January 30).

3. Discharge Monitoring Reports, Disease Control Chemical Use Reports, and all other reports and noncompliance notifications shall be submitted

to the address indicated below for the respective location of the permitted upland fin-fish facility:

Industrial Unit Permit Coordinator
Department of Ecology
Southwest Regional Office – Water Quality
P.O. Box 47775
Olympia, WA 98504-7775
(360) 407-6300

S3. OPERATING REQUIREMENTS AND CONDITIONS

The following requirements and conditions shall apply to all facilities covered under this permit.

A. General Operating Requirements

1. Sand, silt, mud, solids, sludges, filter backwash, debris, or other pollutants deposited or removed in the course of treatment or control of water supply and wastewaters shall be disposed of in a manner so as to prevent such materials from entering waters of the state.
2. Discharging untreated cleaning wastes (e.g., obtained from a vacuum or standpipe bottom drain system) to waters of the state is prohibited.
3. Sweeping or intentionally discharging accumulated solids from raceways or ponds to waters of the state without prior treatment is prohibited.
4. Practices, such as removing dam boards in raceways or ponds, which allow accumulated solids to be discharged to waters of the state are prohibited.
5. Rearing ponds and raceways shall be cleaned within one week prior to drawdown for fish release.
6. A copy of this permit must be kept at the facility at all times and made available to all employees.
7. Fish mortalities, egg taking, or processing wastes shall be disposed of in a manner so as to prevent such materials from entering the waters of the state.
8. Permittees with fin-fish rearing facilities supplied with groundwater and discharging to surface receiving waters will, to the greatest extent feasible, conduct phased reductions in the amount of water discharged prior to complete shut down.
9. At all times the permitted discharges shall comply with applicable water quality standards.

B. Disease Control Chemicals

Unless approved by the Department, only disease control chemicals approved for hatchery use by the United States Food and Drug Administration (USFDA) or the United States Environmental Protection Agency (USEPA) may be used. USFDA approved Investigational New Animal Drugs (INADs) may be used at a facility, provided the conditions detailed in a facility's INAD permit application are met and the use is reported on the disease control chemical use form required in Section S2.E.2.

All disease control chemical use must be done in conformance with product label instructions, approved INAD protocols, or be administered by a licensed veterinarians. Disease control chemicals which are not used in accordance with the product label instructions, or under USFDA approved INAD protocols must: 1) be administered by licensed veterinarian, and 2) be approved in advance by the Department.

C. Production Changes

The Permittee shall submit a new application to the Department 30 days in advance of any proposed production increases or changes in the nature of the discharge which substantially deviates from the information submitted in the permit application.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR Part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR Part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
 - 1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by the Department. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in Condition S3.E; and 4) the Permittee complied with any remedial measures required under S5 of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants

not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - 1. One hundred micrograms per liter (100 µg/l).
 - 2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - 3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
 - 1. Five hundred micrograms per liter (500µg/L).
 - 2. One milligram per liter (1 mg/L).

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
4. The level established by the Director in accordance with 40 CFR 122.44(f).

G25. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.